

DB 11 645
646

Notice of Rulemaking Hearing
The Tennessee Department of Human Services
Child Support Services Division

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to rules pursuant to Tennessee Code Annotated §§ 4-5-201 et seq. and 71-1-105(12). The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-204 and will take place in the following locations:

Jackson, Tennessee: 2nd Floor Conference Room B, Suite 210 Lowell Thomas State Office Building, 225 Martin Luther King Jr. Drive, Jackson, TN 38301, on Tuesday, July 17, 2007, at 6:30 p.m.;

Knoxville, Tennessee: Knoxville State Office Building, 7th Floor, 531 Henley Street, Conference Room A, Knoxville, TN 37902, on Tuesday, July 17, 2007, at 6:30 p.m.;

Nashville, Tennessee: 2nd Floor Board Room, Citizens Plaza State Office Building, 400 Deaderick Street,, Nashville, TN 37248, on Tuesday, July 17, 2007, at 6:30 p.m.;

Chattanooga, Tennessee: 1st Floor-Auditorium, Chattanooga State Office Building, 540 McCallie Avenue, Chattanooga, TN 37402, on Wednesday, July 18, 2007, at 6:30 p.m.;

Memphis, Tennessee: Second Floor Auditorium, Donnelly J. Hill State Office Building, 170 North Main Street, Memphis, TN 38103, on Wednesday, July 18, 2007, at 6:30 p.m.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services' ADA Coordinator, Anneita Dunbar, Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563 (TTY)-(800) 270-1349.

For a copy the proposed rule contact: Barbara Broersma, Assistant General Counsel, Department of Human Services, Citizens Plaza Building, 400 Deaderick Street, 15th Floor, Nashville, TN 37248-0006, telephone number (615) 313-4731.

Substance of Proposed Rules
of
The Tennessee Department of Human Services
Child Support Services Division

645

Chapter 1240-2-3
Miscellaneous IV-D

Amendments

Rule 1240-2-3-.02 Federal Tax Refund Intercept Program, is amended by deleting part 2 under subparagraph (b), paragraph (2), and by substituting the following language, so that, as amended, part 2 under subparagraph (b), paragraph (2) shall read:

2. The support must be owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent. For the purposes of this section, the word "child" denotes a dependant of the parent, whether or not the child is a minor at the time of the action taken.

Authority: T.C.A. §§ 4-5-201 et seq., 8-21-403, 36-5-101(e), 36-5-116, 71-1-105 and 71-1-132; 42 U.S.C. §§ 654b, 664, 666, 667 and 671; and 45 C.F.R. §§ 301.1, 302.56, 303.72 and 303.72(a) (as amended by 50 FR 19651, 19652).

646

The Tennessee Department of Human Services
Child Support Services Division

Chapter 1240-2-6
Review and Adjustment of Child Support Orders

Amendments

Rule 1240-2-6-.03 Review, Adjustment Cycles; Evidence Standards, is amended by deleting paragraph (1) in its entirety, and by substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) Every three (3) years, in any support order subject to enforcement under Title IV-D of the Social Security Act, the Department shall initiate a review upon request by the custodial or non-custodial parent, or any other caretaker of the child, or, if there is an assignment of support pursuant to T.C.A. § 71-3-101, et seq., the Department shall automatically initiate a review, and, in either case, if appropriate under the child support guidelines, the Department shall seek an adjustment of the support order in accordance with child support guidelines established pursuant to T.C.A. § 36-5-101(e) without a requirement for proof of or showing of any other change in circumstances. Evidence of a "significant variance," as defined by the Department's child support guidelines, between the current support order and the amount that would be ordered under the Department's child support guidelines, must be demonstrated to permit an adjustment of the order. The provisions of Chapter 1240-2-4, Child Support Guidelines, must be referenced for further requirements and exceptions relative to application of the significant variance rule.

Authority: T.C.A. §§ 4-5-202, 36-5-101(e), 36-5-103(f), 71-1-105(1), (12), (15) and (16), 71-1-132; Acts 2004, Ch. 728; 42 U.S.C. §§ 664, 666(a)(10) and 667; and 45 C.F.R. §§ 302.56 and 303.8.

Legal Contact or Party who will approve final copy:

Barbara Broersma
Assistant General Counsel
Citizens Plaza Building, 15th Floor
400 Deaderick Street
Nashville, Tennessee 37248-0006
(615) 313-4731

Contact for disk acquisition:

Alan Buescher
Legal Assistant
Citizens Plaza Building, 15th Floor
400 Deaderick Street
Nashville, Tennessee 37248-0006
(615) 313-4731

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Human Services.



Barbara Broersma
Barbara Broersma
Assistant General Counsel
Tennessee Department of Human Services

Subscribed and sworn to before me this 31st day of May, 2007.

Gina D. Coleman
Notary Public

My commission expires on the _____ day of _____, _____.

The notice of rulemaking set out herein was properly filed in the Department of State on the 31 day of May, 2007.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: M. Mull

RECEIVED
2007 MAY 31 PM 2:54
SECRETARY OF STATE
PUBLICATIONS